

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY THOMAS,
Plaintiff,

v.

LAWRENCE KRASNER, et al.,
Defendants.

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CIVIL ACTION NO. 20-CV-6586

ORDER

AND NOW, this 1st day of April, 2021, upon consideration of Gregory Thomas's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), *pro se* Complaint (ECF No. 2), "Motion for COVID-19 Payment Waiver Under Extraordinary Circumstance" (ECF No. 4), and Statement (ECF No. 6), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Gregory Thomas, #BJ-6309, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI-Albion or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Thomas's inmate account; or (b) the average monthly balance in Thomas's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Thomas's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited

to Thomas's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI-Albion.

4. The Complaint is **DEEMED** filed.

5. Thomas's Complaint is **DISMISSED** for the reasons stated in the Court's Memorandum as follows:

- a. Thomas's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
- b. Thomas's state claims are **DISMISSED WITHOUT PREJUDICE** to Thomas reasserting those claims in state court.

6. Thomas's "Motion for COVID-19 Payment Waiver Under Extraordinary Circumstance" is **DENIED**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

s/ **J. Curtis Joyner**

J. CURTIS JOYNER, J.